**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 2855 of 1992**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE P.B.MAJMUDAR**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**DAKSHABEN P PATEL**
**Versus**
**STATE OF GUJARAT AND OTHERS**

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**Appearance :**
MR IM PANDYA for Petitioner.
MS FALGUNI PATEL, AGP for Respondents.

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**CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR**

**Date : 12/10/2006**

**ORAL JUDGMENT**

By filing this petition, the petitioner has prayed that appropriate direction may be given to the respondents to regularize her services on the post of lecturer in Economics with effect from her initial appointment and all necessary benefits may be made available to the petitioner. It is

also prayed that during the pendency of the petition her services may not be terminated.

The petitioner was appointed as ad-hoc lecturer in a Government Commerce College vide order dated 9-5-1988, which is finding place at Annexure-B. It is mentioned in the appointment order that she is appointed purely on ad-hoc basis. Thereafter, her services were extended from time to time by subsequent orders. It seems that by initial order the petitioner was appointed as a part time employee and subsequently by order dated 19-8-1988, her services were converted into full time employee. As per the say of the petitioner, she may be made permanent and her appointment should not be continued on ad-hoc or temporary basis. The petitioner has annexed various orders by which her services were extended from time to time. Therefore, the petitioner has filed present petition praying that her services may be regularized.

Ms.Falguni Patel, learned AGP submitted that the post in question was required to be filled up by regularly selected candidate through GPSC. It is also submitted by her that the petitioner is an ad-hoc employee and, she could not be regularized in service as she is not selected through GPSC. She submitted that the petitioner has no right to hold the post in view of the judgement of Division Bench of this Court in **K.D.Vohra V. Kamleshbhai Gobarbhai Patel** reported in **2003 (2) GLR 1342.** In response to the petition, affidavit-in-reply has been filed by Joint Director, Commissioner of Higher Education Office, Gandhinagar. In paragraph 5 of the affidavit, it is stated that the petitioner was relieved from service on 13-4-1992 at the end of the academic year and, thereafter, she was not given any further appointment. It is submitted that petitioner is not on duty since long. It is also stated in reply that in place of the petitioner, another candidate is selected and appointed

through GPSC.

Considering the averment made in the affidavit-in-reply, which is not controverted by filing rejoinder, it is clear that the petition has become infructuous, as the petitioner has already been relieved from the service in the year 1992. Since the petitioner is not in service, now there is no question of giving any direction that petitioner should be continued in service till GPSC selected candidate is available or till she is replaced by any other employee by way of transfer.

It is not necessary to examine the merits of the case, in view of the fact that the petitioner is relieved from service as back as in the year 1992 and a candidate selected through GPSC is appointed on her post. Accordingly, this petition is disposed of as having become infructuous. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

(P.B.Majmudar, J.)

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